

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 471 (Delegate Kramer, *et al.*)
Environment and Transportation

School Bus Monitoring Cameras - Local Jurisdictions - Civil Penalty

This bill increases the maximum authorized civil penalty, from \$250 to \$500, for a driver that is recorded by a school bus monitoring camera during the commission of a violation. The bill also repeals the requirement for the District Court to prescribe on the citation the civil penalty to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

Fiscal Summary

State Effect: General fund revenues increase minimally in FY 2016 and potentially more significantly in future fiscal years to the extent that school bus monitoring programs expand significantly in the future. District Court caseloads may increase minimally in FY 2016; general fund expenditures are not materially affected unless school bus monitoring and contested citations increase substantially in future years.

Local Effect: Local government revenues increase minimally in FY 2016 to the extent that any jurisdiction operating a school bus monitoring program increases the civil penalty under the bill's authority. Future revenues may increase more significantly to the extent that school bus monitoring programs expand.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapter 273 of 2011 authorizes a local law enforcement agency, in consultation with a county board of education, to place school bus monitoring cameras on school buses if authorized by the governing body of the local jurisdiction by

local law enacted after reasonable notice and a public hearing. Local law enforcement agencies may issue warnings or citations to vehicle owners or drivers for failing to stop for a school vehicle that has stopped with its alternately flashing red lights operating in accordance with the Maryland Vehicle Law. A violation is a civil penalty and the maximum fine is \$250, which in an uncontested case is paid to the relevant county.

Unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to the county with jurisdiction or may elect to stand trial in District Court. In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a technician employed by the issuing law enforcement agency. The citation must also be mailed within two weeks of the violation.

Background: According to a one-day survey of bus drivers conducted by the Maryland State Department of Education in April 2014, there were 3,505 incidents involving vehicles passing a stopped school bus with its flashing red lights illuminated, an increase of 113 over the previous year's survey. The actual number of violations that day is likely much higher, as the survey results included only 72% of bus drivers.

Currently, several jurisdictions, including Frederick, Montgomery, and Washington counties, operate a school bus monitoring camera program.

State Revenues: General fund revenues increase minimally in fiscal 2016 to the extent that a county increases its fine under the bill's authority. Generally, higher fines result in an increase in the percentage of citations that are contested before the District Court. School bus monitoring fines that are contested in the District Court are paid to the general fund, whereas prepaid fines are paid to the jurisdiction operating the school bus monitoring program.

A reliable estimate of the increase in general fund fine revenues cannot be made without additional information regarding the number of current school bus monitoring programs, the number of additional programs in the future, the number of jurisdictions that increase the fine amount under the bill's authority, the amount of any increase in the fine, the number of school bus cameras in use, and the number of violations issued, among several other factors. However, Montgomery County, which implements perhaps the most extensive school bus monitoring program in the State, advises that only 16 citations were contested in fiscal 2014, representing less than 2% of citations issued. Even if the number of trials increases as the maximum penalty increases, it is unlikely that general fund revenues increase significantly unless and until school bus monitoring increases significantly in the State.

State Expenditures: General fund expenditures are not likely affected unless and until the number of school bus monitoring programs and associated caseloads increase.

Local Revenues: Local government revenues increase minimally in fiscal 2016 to the extent that a local government that operates a school bus monitoring program increases the prepaid fine under the bill's authority. However, any increase in revenues from the increase in the level of the fine may be partially or fully offset by an increase in the number of citations that are contested at trial; as noted above, penalties collected from contested citations are distributed to the State general fund.

Overall, any increase is likely to be minimal due to the offsetting effects associated with an increase in the prepaid fine and because school bus monitoring in the State appears to be quite limited at this time. According to information from Montgomery County, as of April 24, 2014, Frederick, Montgomery, and Washington counties operated a combined total of 66 school bus cameras. While Montgomery County alone planned to increase its program to include another 75 buses, and other counties may be operating or planning to operate school bus monitoring programs in fiscal 2015 and 2016, statewide participation in school bus monitoring continues to be limited.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Dorchester, Garrett, Howard, and Montgomery counties; Town of Leonardtown; City of Salisbury; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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